



**TOWN OF LOOMIS**  
**ACTION MINUTES**  
**REGULAR MEETING OF**  
**LOOMIS TOWN COUNCIL**  
**LOOMIS TOWN HALL,**  
**6140 HORSESHOE BAR ROAD, SUITE K**  
**LOOMIS, CA 95650**

**TUESDAY**

**JANUARY 8, 2008**

**7:00 P.M.**

**CLOSED SESSION** – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

- a. **CONFERENCE WITH LABOR NEGOTIATOR.** Pursuant to Section 54957.6 of the Government Code:  
**Agency Negotiator:** Perry Beck, Town Manager  
**Employee Organizations:** Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group

**TUESDAY**

**JANUARY 8, 2008**

**7:30 P.M.**

**CALL TO ORDER** Call to order by Mayor Kelley at 7:38 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present:

Mayor Kelley  
Councilmember Millward  
Councilmember Morillas  
Councilmember Scherer  
Councilmember Ucovich

**STATEMENT OF ACTION TAKEN DURING CLOSED SESSION**

- a. No action.

**PROCLAMATIONS/RECOGNITIONS**

T-Shirts

Councilmember Ucovich pointed out that in 2008 Council will be working as a team and presented them t-shirts.

**MATTERS OF INTEREST TO COUNCILMEMBERS**

Councilmember Ucovich noted the following:

- there will be a Sacramento Valley Division meeting on January 24<sup>th</sup> hosted by the City of Elk Grove
- there will be an overview of the Governor's message and how it will affect the cities

Councilmember Scherer commended the staff for the work that was put in during and after the storm last week.

Councilmember Millward stated the following:

- suggested putting solar on top of the depot roof
- asked to have this item on the next agenda
- like to bring the tree ordinance back and discuss what can be done with the older oak trees in the Town's right of way

Mayor Kelley stated the following:

- due to the storm he has been out of power since last Friday
- the Town needs to have an emergency plan that involves the Fire Department and other agencies
- we need to take a look at the trees in the right of ways
- we need a process on how we bring up items to be put on the agenda

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item. Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda.** The time allotted to each speaker is five minutes.

Jim Holmes, Placer County Board Supervisor, stated the following:

- thanked Councilmember Millward and Mayor Kelley for the leadership they provided in raising \$22,000 for the Loomis Fire District, to pay for a Special Election
- the election was a success and the assessment will solve a major problem in District 3
- thanked Councilmember Ucovich for his help with the Mosquito Abatement District ballot

#### **ADOPTION OF AGENDA**

A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

**OPPORTUNITY TO COMMENT ON CONSENT CALENDAR:** All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda pulling item 7 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

#### **CONSENT AGENDA**

#### **RECOMMENDED ACTION**

- |   |  |
|---|--|
| 1. Council Minutes – 12/11/07   | <i>APPROVE</i>                                     |
| 2. Monthly Check Register – December  | <i>RECEIVE AND FILE</i>                            |
| 3. Statement of Activity  | <i>RECEIVE AND FILE</i>                            |
| 4. Treasurer's Report   | <i>RECEIVE AND FILE</i>                            |
| 5. Planning Status Report   | <i>RECEIVE AND FILE</i>                            |
| 6. Committee Assignment For Placer County Community Services Commission                                   | <i>APPROVE</i>                                     |
| 8. A Resolution of the Town Council of the Town of Loomis In Support of Loomis School District, Measure G | <i>ADOPT RESOLUTION</i><br><i>Resolution 08-02</i> |

#### **CONSENT ITEMS FORWARDED**

- |  |                         |
|--|-------------------------|
| 7. A Resolution of the Town Council of the Town of Loomis Approving Wage and Benefit Changes With the Loomis Diversified Employees Group and With the Loomis Public Works Employees Bargaining Unit (Operating Engineers, Stationary Local No. 39) | <i>ADOPT RESOLUTION</i> |
|--|-------------------------|

Councilmember Ucovich questioned approving the MOU at this time.

Perry Beck, Town Manager, pointed out that the MOU was not being adopted tonight.

No public comment.

A motion was made to adopt Resolution 08-01, approving wage and benefit changes with the Loomis Diversified Employees Group and with the Loomis Public Works Employee's Bargaining Unit (Operating Engineers, Stationary Local No. 39). On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

## PUBLIC HEARING

### 9. Appeal of Planning Commission's Decision (Continued from December 11, 2007) TC 12/12/06

On October 17, 2007 the Planning Commission denied a minor use permit, design review and sign permit, to allow the operation of a retail center for plants and outdoor décor sales at 3587 Taylor Road near the intersection of Webb Street and King Road

**Recommended action:** Hear appeal and affirm the Planning Commissions' decision to deny the appeal

**Public hearing:**

Jason Sauve, Project applicant for Jacor/The Greenhouse, stated the following:

- they originally moved there not understanding the process and made mistakes
- they are willing to work with staff to come into compliance
- he asked to have their equipment left there temporarily
- it won't be until June or July before they will have any retail or landscaping onsite

Jean Wilson, 4301 Barton Road, stated the following:

- she is representing the Planning Commission to report the basis of their decision
- they try to work with businesses and encourage them
- in this case there were continual reports of non-compliance that weighed heavily against them
- planning Commission went on site in November and it wasn't cleaned up, there was still debris around
- they denied the conditional use permit because there was no evidence that they were acting in good faith to come into compliance

Council discussed the following:

- the lawn has not been cut or watered since they have been there
- eighteen months ago staff sent a letter stating they were not in compliance
- there has been no history of any effort to comply
- if they adopt the resolution, without prejudice, the applicant can come back and apply for a minor use permit once they come into complete compliance

Following further discussion on the matter, a motion was made to adopt Resolution 08-03, affirming the Planning Commission's denial, without prejudice, of a minor use permit and design review project #07-13 at 3587 Taylor Road. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by the following roll call vote:

Ayes: Kelley, Millward, Scherer, Ucovich

Noes: Morillas

Recess at 8:58 p.m. to 9:08 p.m.

### 10. Appeal of Planning Commission's Decision

An Appeal of a Planning Commission affirmation of a staff decision to issue a building permit to Larry Halverson at 3673 Frost Lane to build a connecting structure between his house and garage in order to make the garage conform to height requirements in Rural Residential (RR) zone district

**Recommended action:** Hear appeal and decide on the merits

**Public comment:**

Due to conflict of interest Councilmember Scherer left the council table.

Dave Larsen, Town Attorney, noted that Walt Scherer is representing himself, as an individual, and not as a Councilmember.

Walt Scherer presented a slide show reviewing the definition of "attached" and pointed out the following:

- the purpose and why the regulation was adopted
- defined the regulation and what they were trying to achieve and avoid
- the regulation was adopted in order to prevent this from happening (a hallway attaching two independent structures)
- it has to be a main component connecting two structures and not just a small connecting hallway
- asked Council to reject the misinterpretation by staff and sustain the previous recommendations by the Council and support the regulation as it has been interpreted this evening

Mark Campbell, attorney representing Larry Halverson, stated the following:

- Mr. Scherer has an opinion on how the definition of "attached" was worded the way it is

- It is an opinion
- the Planning Director's opinion is that the definition of "attached" was met in Mr. Halverson's permit
- the opinion of the Loomis Building Inspector is that the definition of "attached" was met
- the opinion of the members of the Planning Commission concluded that the definition of "attached" was met
- he asked Council to weigh Mr. Scherer's opinion against the interpretation of staff's and the Planning Commission opinions and conclude that their interpretation is a reasonable one and would apply to these circumstances

Larry Halverson stated the following:

- he has sealed the dormers
- it will be used for a shop with the storage area on top
- he signed a deed stating there will be no one living there

John Kintz, Town Building Inspector, stated the following:

- he's been a building inspector for 35 years
- he follows the International Building Code
- a common wall, in the building trade, is a wall that separates two living units
- this would be a hallway to the garage, or a mud room, or a storage room, a recreation room
- there is no definition in the code that says how wide that room must be
- he would consider it a room

Mr. Campbell pointed out that there is nothing in this ordinance that prohibits a hallway.

Jean Wilson stated the following:

- the basis for the Planning Commission findings was the issue whether the structure meets the definition
- they took into account Mr. Kintz's testimony
- Planning Commission agreed that it did meet every criteria of the law as written

Walt Scherer stated the following:

- he repeated that the definition of "attachment" requires it to be a main component of the house, where this is just a hallway, a connecting breezeway, it doesn't have heat or air conditioning
- It is not a big house and you will be taking a bedroom out and leaving it a one bedroom
- this is an attempt to circumvent a regulation

Following further discussion on the matter, a motion was made to uphold the Planning Commission's decision and to add the dormers to the deed restriction saying the dormers stay closed (no windows allowed). On motion by Councilmember Morillas, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas

Noes: Ucovich

Councilmember Scherer returned to the table.

11. **Fence and Wall Regulations** (Continued from December 11, 2007) TC 12/12/06  
 Consider proposed draft Zoning Ordinance revisions for entire Town of Loomis regarding Fence and Wall regulations  
**Recommended action:** Continue to February 12, 2008  
**Public hearing:**

Continued to February 12, 2008.

## BUSINESS

12. **Consultant Services For Development Planning**  
 Council directed that staff obtain consultant qualifications for various planning needs that will be coming up in 2008 and beyond and determine the consultants needed and the projects on which consultants will work  
**Recommended action:** Authorize staff to negotiate contracts with the consultants noted in The staff recommendation under the various works that will be needed  
**Public comment:**

Brad Shirhall, with TLA representing the Village project, pointed out the following:

- they will conduct public outreach sessions
- they will work with staff to put together a list of what they would talk about at the meetings, the noticing, and report back to the Council on the outcome of the meeting
- he supports staff negotiating contracts with the consultants

No public comment.

Following further discussion on the matter, a motion was made to authorize staff to negotiate contracts with consultants regarding environmental review, traffic, and fiscal analysis and bring forward at the next meeting a presentation by Paul Zykosky and Mike Notestine on design and siting. On motion by Councilmember Scherer and seconded by Councilmember Ucovich.

Councilmember Scherer withdrew his motion.

A motion was made to authorize staff to negotiate contracts with the consultants noted in the staff recommendations. On motion by Councilmember Millward, seconded by Councilmember Morillas and passed by voice vote.

13. **Workshop with Planning Commission and Park & Open Space Commission**

The Park & Open Space Commission requested a joint meeting with the Council and Planning Commission in order to obtain a better sense of their mission

**Recommended action:** Discuss and set a date for a joint workshop meeting

**Public comment:**

No public comment.

Following further discussion on the matter, Council directed staff to see if January 28<sup>th</sup> or 29<sup>th</sup> would work for a joint workshop for everyone.

14. **2008/09 Goals and Budgeting**

Identify goals and projects to develop the 2008/09 budget

**Recommended action:** Discuss and identify goals and projects not listed, and determine priorities under each broad caption

**Public comment:**

Continued to February 12, 2008.

**COMMITTEE REPORTS**

- 15. Placer County Economic Development Commission – Ucovich
- 16. Placer County Flood Control/Water Conservation District – Morillas
- 17. Placer County Transportation Planning Agency – Kelley/Millward
- 18. Placer County Mosquito Abatement – Ucovich
- 19. Placer County Air Pollution Control District – Millward/Ucovich
- 20. Sacramento Area Council of Governments – Scherer/Kelley
- 21. Placer Land Trust ex-officio representative - Scherer

**ADJOURNMENT**

A motion was made to adjourn at 10:38 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

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Mayor

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Town Clerk